

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

DANIEL SPURLOCK,  
Plaintiff

vs

EDWIN VOORHIES, et al.,  
Defendant

Case No. 1:07-cv-043  
Weber, J.  
Black, M.J.

**REPORT AND RECOMMENDATION**

On January 30, 2007, the Court ordered plaintiff Daniel Spurlock, a former inmate at the Southern Ohio Correctional Facility (SOCF), to submit a complaint and *in forma pauperis* motion which he has personally signed within twenty (20) days if he wishes to proceed with this action. (Doc. 2). The Court questioned whether the documents submitted were in fact signed by Mr. Spurlock, as opposed Rashon Watley, an inmate at SOCF. The Court notified Mr. Spurlock that it would propose dismissal of the complaint if he failed to comply with the terms of the Court's Order. *Id.*

To date, more than twenty days later, Mr. Spurlock has yet to reply to the Court's Order. Accordingly, dismissal is appropriate. Fed. R. Civ. P. 41(b); *Link v. Wabash R.R.*, 370 U.S. 626, 630-631 (1962); *Jourdan v. Jabe*, 951 F.2d 108, 109 (6th Cir. 1991).

**IT IS THEREFORE RECOMMENDED THAT:**

1. This case be **DISMISSED** with prejudice for lack of prosecution.
2. The Court certify pursuant to 28 U.S.C. § 1915(a)(3) that for the foregoing reasons an appeal of this Court's Order would not be taken in good faith. *See McGore v. Wrigglesworth*, 114 F.3d 601 (6th Cir. 1997).

Date: 2/28/2007

s/Timothy S. Black  
Timothy S. Black  
United States Magistrate Judge

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**NOTICE TO THE PARTIES REGARDING THE FILING OF OBJECTIONS TO THIS R&R**

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to this Report & Recommendation (“R&R”) within **TEN (10) DAYS** after being served with a copy thereof. That period may be extended further by the Court on timely motion by either side for an extension of time. All objections shall specify the portion(s) of the R&R objected to, and shall be accompanied by a memorandum of law in support of the objections. A party shall respond to an opponent’s objections within **TEN DAYS** after being served with a copy of those objections. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).